

PRESENT:

John T. Auburger	Supervisor
Shannon J. O’Keefe	Councilwoman
Robert J. Bilsky	Councilman
Andrew J. Conlon	Councilman
Kirk A. Morris	Councilman

Patricia W. Anthony, Town Clerk
Raymond DiRaddo, Town Attorney

ABSENT:

None

Following the roll call of officers, Supervisor Auburger opened the meeting with the Pledge of Allegiance, led by Councilman Morris, and Moment of Prayer offered by Pastor Dan Astuto of Greece Assembly of God Church.

Public Forum:

Shaun Alianell, 113 Worcester Road – Pleased with road reconstruction. Wants repair of apron in front of his property. Spoke with an inspector at Highway. Supervisor Auburger asked Commissioner Feeney to sit down with Mr. Alianell and attempt to assist him with is issue.

#204 - Councilwoman O’Keefe offered the following resolution and moved its adoption:

Resolution to Oppose New York Power Authority Great Lakes Offshore Wind Project

WHEREAS, the New York Power Authority (NYPA) has requested proposals for the development and placement of wind turbines in the waters of Lake Ontario; and

WHEREAS, NYPA has conducted preliminary site screening studies, wind supply studies, and environmental studies with respect to the waters of Lake Ontario in New York State to determine potentially viable locations for so-called “wind farms”; and

WHEREAS, these studies have identified environmentally sensitive and scenic areas off the shoreline of Lake Ontario in the Town of Greece as possible locations for wind turbines; and

WHEREAS, the development of wind farms in Lake Ontario off the shores of the Town of Greece threatens residential, tourism and recreational attractions; and

WHEREAS, there has been a lack of information and public input on the specific location and benefits to host communities for the proposed wind turbines; and

WHEREAS, insufficient information exists about the economic impact on local tourism or the environmental impact of an offshore wind farm of this magnitude; and

WHEREAS, the Town of Greece supports research for alternative energy sources and responsible energy conservation, and urges New York State to continue to explore ways to reduce energy usage; and

WHEREAS, the Town of Greece supports job-creation, business expansion, and new businesses within the Town that are consistent with our community values, present no damage to the uniqueness of our community, and improve quality of life for our residents; and

WHEREAS, the Great Lakes Offshore Wind Turbine Project, as currently proposed by the New York Power Authority, conflicts with these community goals;

NOW, THEREFORE BE IT

RESOLVED, that the Greece Town Supervisor and the Greece Town Board oppose the Great Lakes Offshore Wind Turbine project as currently proposed by the New York Power Authority; and be it further

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held July 20, 2010 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

RESOLVED, that copies of this resolution be distributed to the New York Power Authority, Governor David Paterson, Senator Joseph Robach, Assemblyman William Reilich, the New York State Department of Environmental Conservation, Monroe County Executive Maggie Brooks, and the Monroe County Legislature.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#205 - Councilwoman O'Keefe offered the following resolution and moved its adoption:

WHEREAS, James Kartes has made application to this Board to amend the Zoning Map and Chapter 211 of the Code of the Town of Greece (the Zoning Ordinance), relative to property hereinafter described;

NOW, THEREFORE, pursuant to Section 264 and 265 of the Town Law of the State of New York, as amended, a public hearing on proposed amendments to the Zoning Ordinance and Zoning Map shall be held on Tuesday, August 17, 2010 at 6:32 p.m., at the Greece Town Hall, One Vince Tofany Boulevard in said Town; and notice of the time and place of such hearing shall be published in the Greece Post, a newspaper of general circulation in the Town of Greece, on August 5, 2010. At said hearing the following resolution is to be considered:

A resolution to rezone 0.9 ± acres from BR (Restricted Business) to R1-8 (Single-Family Residential), property located at 2241-2263 Edgemere Drive, more particularly described as follows:

All that tract or parcel of land situated in Lots 45 and 55, Division 1, Township 2, Short Range, Mill Seat Tract, Phelps & Gorham Purchase, Town of Greece, County of Monroe, State of New York, and described as follows:

Beginning at the intersection of the centerline of Edgemere Drive (100 foot wide right-of-way) and the southwesterly extension of the southeast line of Wake Drive (60 foot wide right-of-way);

1. thence North 46° 13' 20" East, along said southwesterly extension and southeast line of Wake Drive, a distance of 250.41 feet to the southwest line of Old Edgemere Drive (30 foot wide right-of-way);
2. thence South 47° 23' 43" East, along said southwest line, a distance of 281.45 feet to the northwest line of the now or former Michael O. Maier property (Tax map no. 026.20-01-055.1);
3. thence South 42° 36' 17" West, along said southwest line, a distance of 76 feet more or less, to the northeast line of property zoned PL (Long Pond Outlet);
4. thence Northwesterly, Westerly and Southwesterly, along said property zoned PL, a distance of 334 feet more or less, to the centerline of Edgemere Drive.
5. thence north 48° 07' 46" West, along said centerline, a distance of 103 feet more or less, to the point of beginning.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#206 - Councilwoman O'Keefe offered the following resolution and moved its adoption:

RESOLVED, that this Town Board increase the not-to-exceed amount of the contract between the Town of Greece and Bergmann Associates for professional services related to geographic information system software maintenance, from \$10,000 to \$15,000, and

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to execute all related documents.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

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#207 - Councilman Bilsky offered the following resolution and moved its adoption:

RESOLVED, that this Town Board approve 2010 budget modifications to various accounts. A complete list has been given to each Town Board Member and will appear in the minutes of record.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#208 - Councilman Conlon offered the following resolution and moved its adoption:

RESOLVED, that this Town Board approve the following contracts:

- **Library:** Teresa Wood, Mike Miller, Jody Luce,
- **Community Center:** Greece Paint Alley Clowns, Inc., Mark Butcher, Zuper Bounce, Joanne Crosman Beth Misenhimer, Laurie Divasta, Debbie Gerlach.
- Erdman Anthony Engineers for design service pertaining to the replacement of a pedestrian bridge on English Road.
- LaBella Associates for design services related to renovations at 500 Maiden Lane.
- YMCA to provide fitness instructors to the Community & Senior Center.
- Barton and Loguidice for professional services pertaining to the Upper Round Pond Basin Study.
- Stantec's contract Supplemental #2 for the Maiden Lane Reconstruction Project.
- Extend the contract with Exxon Mobil for an additional one- year period from August 1, 2010 through August 31, 2011.
- M.E. Services & Communication, Inc to provide interpreting services for the Greece Town Court; and

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to execute all necessary documents.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#209 - Councilman Conlon offered the following resolution and moved its adoption:

RESOLVED, that this Town Board approve a sidewalk waiver at 173 Rogene Street. The waiver fee has been received; and

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to execute all related documents.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#210 - Councilman Morris offered the following resolution and moved its adoption:

RESOLVED, that this Town Board accept a letter of credit from Ben-Fall Development, LLC, in the amount of \$559,190.42, for Stonewood Manor, Section 2; and

BE IT FURTHER

RESOLVED, that acceptance of this Letter of Credit will guarantee completion of public improvements associated with the above referenced project.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#211 - Councilwoman O'Keefe offered the following resolution and moved its adoption:

WHEREAS the Town Board of the Town of Greece has made a determination to amend the Code of the Town of Greece for the purpose of making additions, revisions and deletions to the Code of the Town of Greece for the purposes of increasing the effectiveness of Town governmental

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administration, providing for greater public awareness of and access to Town legislation and protecting the health, safety and welfare of Town inhabitants; and

WHEREAS the proposed amendments have been published in loose-leaf form and the Town Board now desires to formally effect the adoption of said additions, revisions and repeals by enactment of a local law;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held by the Town Board with respect to enactment of the following local law, such public hearing to be held on the 17th of August, 2010, at 6:30 p.m., in the Town Hall of the Town of Greece, 1 Vince Tofany Blvd., Greece, New York. The proposed local law to be considered is as follows:

Amendments to the Code of the Town of Greece

SAID AMENDMENTS TO PROVIDE FOR THE ADDITION, REVISION AND REPEAL OF CERTAIN LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF GREECE BE REFERRED TO AS "AMENDMENTS TO THE CODE OF THE TOWN OF GREECE"

Copies of the text of the above-named local law shall be filed in the office of the Town Clerk.

AND BE IT FURTHER

RESOLVED that the Town Clerk is hereby directed and authorized to cause public notice of said hearing to be given in accordance with the Municipal Home Rule Law, the Open Meetings Law and the Town Law of the State of New York.

ADOPTED Ayes 5 Auberger, O’Keefe, Bilsky, Conlon, Morris
 Nays 0

#212 - Councilman Bilsky offered the following resolution and moved its adoption:

WHEREAS, this Board has previously resolved to invite sealed bids for Color Seal Coating of Two Basketball Courts located at Basil Marella Park; and

WHEREAS, on Wednesday, July 7, 2010, the following bids were received:

BIDDERS NAME	AMOUNT
Super Seal	\$13,078.00
Bid Option #1	\$14,860.00
Bid Option #2	\$11,744.00
Nagle Athletic Surfaces	\$15,390.00
Bid Option #1	\$16,500.00
Bid Option #2	\$13,000.00

NOW, THEREFORE, be it

RESOLVED that this Town Board award the bid for Color Seal Coating of Two Basketball Courts to the low bidder, Super Seal, P.O. Box 925, Penfield, New York, 14526, in the amount of \$39,682.00, including Bid Option #1 for the tennis courts and Bid Option #2 for the skate park; and

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to enter into a contract with Super Seal.

ADOPTED Ayes 5 Auberger, O’Keefe, Bilsky, Conlon, Morris
 Nays 0

#213 - Councilman Conlon offered the following resolution and moved its adoption:

RESOLVED, that, pursuant to the requirements of Section 103 of the General Municipal Law, sealed bids will be received at the Town Clerk’s Office, Town of Greece, One Vince Tofany

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Boulevard. Greece, New York 14612, until 3:00 p.m., August 11, 2010 at which time they will be publicly opened and read aloud for the following:

- **FLEET TIRE SERVICE AND RECAPPING**
- **PURCHASE OF SURVEILLANCE EQUIPMENT FOR THE GREECE POLICE DEPARTMENT**

All bids must be endorsed with the title of the purchase to which they relate, the name and address of the bidder, and shall be in conformity with the bidding sheets and specifications, which will be furnished by the Town Clerk and are now available; and be it further

RESOLVED that the Town Clerk hereby is designated to open any bids received at said time and place, and to make a record of such bids, and to present the same at a future regular or special meeting of this Board, following said bid opening; and be it further

RESOLVED that the Town Board reserves the right to reject any and all bids received.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#214 - Councilman Morris offered the following resolution and moved its adoption:

RESOLVED, that this Town Board purchase the following vehicles from the New York State Bid:

- 2 – 4x4 Pick-Ups – one with snowplow
- 2 – 4x4 1-ton Dump Trucks

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#215 - Councilwoman O'Keefe offered the following resolution and moved its adoption:

RESOLVED, that this Town Board declare office equipment from the Department of Public Works and equipment from the Police Department, Technical Services and Community & Senior Center as surplus/scrap; and

BE IT FURTHER

RESOLVED, that a complete list has been given to the Town Board members and will appear in the minutes of record.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#216 - Councilman Bilsky offered the following resolution and moved its adoption:

RESOLVED, that this Town Board enter into an agreement with the Stormwater Coalition IMA; and

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to execute all necessary documents.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#217 - Councilman Bilsky offered the following resolution and moved its adoption:

RESOLVED, that this Town Board approve the following sign installations, as recommended by the Traffic Advisory Committee:

- “Stop Sign Ahead” sign installed on Cabot Road for northbound traffic for the stop sign at Fielding Road.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#218 – Received/Filed

Notification from Monroe County that North Greece Road and Flynn Road (Monroe County roads) will be closed as follows. Detours will be posted.

Starting August 2nd about 9:00 AM:

- North Greece Road - between Frisbee Hill Rd. and Post Ave. for bridge replacement.
Closed for 4 months.
This bridge is just south of the Town Compost Facility that is at #286.
The road is open to local traffic up to the site.
- Flynn Road - between Latta Road and Post Avenue for culvert waterproofing.
Closed for 3 weeks.
This location is between #1056 and #1062 Flynn Road, which is about 1000 feet north of Latta Rd.
The road is open to local traffic up to the site.

#219 - Councilwoman O’Keefe offered the following resolution and moved its adoption:

RESOLVED, that this Town Board authorize the Supervisor to execute all necessary documents for filing with New York State pertaining to the Town’s action plans for various storm water management facilities.

ADOPTED Ayes 5 Auberger, O’Keefe, Bilsky, Conlon, Morris
 Nays 0

#220 - Councilman Morris offered the following resolution and moved its adoption:

RESOLVED, that this Town Board approve the following street parties:

- Jay-Vee Lane (just the cul-de-sac portion)
August 14, 2010
12:00 noon to 8:00 p.m.
Rain date – August 15, 2010
- Glencross Circle Carrington Drive to the cul-de-sac
Saturday, August 14, 2010
12:00 p.m. to 11:00 p.m.
- Hardwood Lane Annual Block Party
Saturday, August 21, 2010
1:00 p.m. to 11:00 p.m.
- 131 Hilltop Road through 146 Willowbrook Road
Saturday, July 10, 2010 (received and filed)
9:00 a.m. to 10:00 p.m.
- Clearview Road #61-99
Saturday, July 31, 2010
Noon to 11:00 p.m.

ADOPTED Ayes 5 Auberger, O’Keefe, Bilsky, Conlon, Morris
 Nays 0

#221 - Councilman Morris offered the following resolution and moved its adoption:

RESOLVED, that this Town Board authorize the Supervisor to enter into an Intermunicipal Cooperation Agreement with the Town of Parma, Village of Hilton, and the Hilton Fire Department for Special Police services for the Hilton Fire Department Carnival, subject to approval of the Town Attorney.

ADOPTED Ayes 5 Auberger, O’Keefe, Bilsky, Conlon, Morris
 Nays 0

#222 - Councilman Bilsky offered the following resolution and moved its adoption:

RESOLVED, that this Town Board settle a claim with Jacqueline Siesto; and

BE IT FURTHER

RESOLVED, that the settlement amount represents that the interests of all parties have been met.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#223A - Councilman Morris offered the following resolution and moved its adoption:

WHEREAS, Turkish Cultural Center of Rochester (the "Project Sponsor") has submitted a request to the Town Board of the Town of Greece, Monroe County, New York (respectively, the "Town Board" and the "Town") for a waiver of the requirements for a new special use permit to operate a charitable or civic organization with accessory indoor/outdoor recreation facilities operated for nonprofit purposes, to be known as Turkish Cultural Center, on property located at 1039 North Greece Road, in an R1-12 (Single-Family Residential) Zoning District; and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

- In summary, the Project Sponsor's proposal (the "Proposal") is to obtain a special use permit in order to operate a private cultural center in parts of the former First Bible Baptist Church (the "Premises"). The Proposal includes: activities related to maintaining and promoting Turkish culture in the Rochester area (such as coffee nights, meetings, luncheons, social gatherings, Turkish language tutoring, after-school academic tutoring programs, a women's club, and a cooking club); community support and services, including but not limited to food and clothing distribution, nursing home visitations, youth programs (such as sports and recreation activities), and participation in community-wide events (such as International Women's Day, International Children's Festival, and women's interfaith gatherings); and administrative offices. Vehicular access for the Premises is via non-signalized driveways at North Greece Road (Monroe County Route 144, a two-lane highway). The proposed hours during which activities typically would occur are: Mondays through Fridays, 10:00 a.m. to 7:00 p.m.; and Saturdays and Sundays, 9:00 a.m. to 5:00 p.m.
- According to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), the Proposal is classified as a Type II action (See § 617.5(c)(26) of the SEQRA Regulations).
- According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action relative to the Proposal.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#223B - Councilman Morris offered the following resolution and moved its adoption:

WHEREAS, Turkish Cultural Center of Rochester (the "Applicant") has submitted a request to the Town Board of the Town of Greece, Monroe County, New York (respectively, the "Town Board" and the "Town") for a waiver of the requirements for a new special use permit to operate a charitable or civic organization with accessory indoor/outdoor recreation facilities operated for nonprofit purposes, to be known as Turkish Cultural Center, on property located at 1039 North Greece Road, in an R1-12 (Single-Family Residential) Zoning District; and

WHEREAS, the Town Board makes the following findings:

1. In summary, the Applicant's proposal (the "Proposal") is to obtain a special use permit in order to operate a private cultural center in parts of the former First Bible Baptist Church (the "Premises"). The Proposal includes: activities related to maintaining and promoting Turkish culture in the Rochester area (such as coffee nights, meetings, luncheons, social

gatherings, Turkish language tutoring, after-school academic tutoring programs, a women's club, and a cooking club); community support and services, including but not limited to food and clothing distribution, nursing home visitations, youth programs (such as sports and recreation activities), and participation in community-wide events (such as International Women's Day, International Children's Festival, and women's interfaith gatherings); and administrative offices. Vehicular access for the Premises is via non-signalized driveways at North Greece Road (Monroe County Route 144, a two-lane highway). The proposed hours during which activities typically would occur are: Mondays through Fridays, 10:00 a.m. to 7:00 p.m.; and Saturdays and Sundays, 9:00 a.m. to 5:00 p.m.

2. Previous use of the Premises included a place of worship and a Sunday school, a school, and a child day-care center. The Proposal does not include said uses, but otherwise is in substantial conformity with the other uses that previously occurred on the Premises.
3. Based on the Town Board's review of relevant documentary, testimonial, and other evidence, the location, nature, duration, and intensity of the previous activities on the Premises: (a) did not adversely affect the orderly pattern of development in the area; (b) were in harmony with nearby uses; (c) did not alter the essential character of the nearby neighborhood, nor were they detrimental to the residents thereof; (d) did not create a hazard to health, safety, or the general welfare; (e) were not detrimental to the flow of traffic; and (f) did not place an excessive burden on public improvements, facilities, services, or utilities.
4. Access to the Premises and the size and shape of the Premises are adequate for the Proposal.
5. Having considered the Proposal and all additional information that may be relevant to the Proposal, it is in the public interest to grant the requested waiver of the requirements to obtain a new special use permit.

NOW THEREFORE, be it

RESOLVED that, based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by Turkish Cultural Center of Rochester (the "Applicant") for a waiver of the requirements for a new special use permit to operate a charitable or civic organization with accessory indoor/outdoor recreation facilities operated for nonprofit purposes, to be known as Turkish Cultural Center, on property located at 1039 North Greece Road, in an R1-12 (Single-Family Residential) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this charitable or civic organization with accessory indoor/outdoor recreation facilities operated for nonprofit purposes in conformity with all details of the Proposal, as described in the written descriptions and site development plans of the Proposal, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.
2. The Applicant shall comply with all requirements of the *Code of the Town of Greece, New York*, Chapter 211 (the Town's zoning ordinance), or any variance granted therefrom, relative to number, size, and location of signs. Failure to comply with these requirements may be grounds for revocation of this special use permit.
3. The maximum occupancies in spaces occupied by the Applicant shall be the limits established by the Town's Fire Marshal pursuant to the *Building Codes of New York State*.
4. The Applicant shall comply with all applicable federal, state, county, and town laws, ordinances, codes, rules, and regulations, including but not limited to the *Building Codes of New York State* and all applicable requirements for the installation/maintenance of a grease trap. Failure to comply with such requirements may be grounds for revocation of this special use permit.
5. The Applicant shall not use any of the Premises for any adult bookstore, adult cabaret or adult entertainment establishment as such terms are defined by the Town's zoning ordinance; any illegal, unlawful, or lewd and lascivious activity; or for the sale or display of

pornographic materials. Failure to comply with this requirement may be grounds for revocation of this special use permit.

6. Within 6 months, 12 months, 18 months, and 24 months of the date of this approval and annually thereafter, the Town Board or its designee may review, without public hearing, the Applicant's operation of this charitable or civic organization with accessory indoor/outdoor recreation facilities operated for nonprofit purposes and compliance with the terms and conditions of this special use permit.
7. The Town Board may revoke this special use permit pursuant to the provisions in the *Code of the Town of Greece, New York*, Chapter 211 (the Town's zoning ordinance), if the Town Board determines, in its sole discretion and judgment, that it has received sufficient complaints and other evidence that the Applicant has failed to operate this charitable or civic organization with accessory indoor/outdoor recreation facilities operated for nonprofit purposes in conformity with the terms and conditions of this special use permit.
8. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
9. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
10. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.
11. Upon the sale or other transfer of controlling interest in this charitable or civic organization with accessory indoor/outdoor recreation facilities operated for nonprofit purposes to any person or entity other than Turkish Cultural Center of Rochester, its wholly owned subsidiaries, or its franchisees, a new application for a special use permit must be submitted to the Town Board.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#224 - Councilman Bilsky offered the following resolution and moved its adoption:

RESOLVED, that this Town Board appoint Nicholas Fedeles to the full time position of Laborer in the Department of Shared Services, effective July 24, 2010.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#225 - Councilman Conlon offered the following resolution and moved its adoption:

RESOLVED, that this Town Board appoint Andrew Jenkins and Stephen Giliberti to the full time position of MEO Trainee in the Department of Public Works, effective July 24, 2010.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#226 - Councilman Morris offered the following resolution and moved its adoption:

RESOLVED, that this Town Board appoint Mark Babcock to the full time position of Police Officer, effective August 9, 2010, pending approval by the Monroe County Civil Service Commission.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#227 - Councilman Morris offered the following resolution and moved its adoption:

WHEREAS, Carmelo Calascibetta has made application for a special use permit to operate a restaurant to be known as Cam's Pizzeria, on property located at 1097 Long Pond Road; and

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WHEREAS, a permit for the operation of a restaurant can only be granted upon special application to and with the consent of the Town Board, pursuant to the requirements of Section 211 of the Code of the Town of Greece;

NOW, THEREFORE, be it

ORDERED that a public hearing be held by the Town Board of the Town of Greece at the Town Hall, One Vince Tofany Boulevard, Rochester, New York, in said Town, on the 17th day of August 2010 at 6:35 p.m., to consider the application submitted by Carmelo Calascibetta for a restaurant to be known as Cam's Pizzeria, on property located at 1097 Long Pond Road.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#228A - Councilman Conlon offered the following resolution and moved its adoption:

WHEREAS, the Town Board of the Town of Greece, Monroe County, New York (respectively, the "Town Board" and the "Town") has proposed to amend the Code of the Town of Greece, New York, Chapter 211 (the "Zoning Ordinance") and the Official Zoning Map of the Town of Greece, New York (the "Zoning Map") pursuant to New York State Town Law, Sections 264 and 265; and

WHEREAS, the Town Board makes the following findings:

1. In general summary, the Town Board's proposal (the "Proposal") is to amend the Zoning Ordinance and the Zoning Map in order to implement recommendations contained in the Town's *2001 Community Master Plan Update* (the "Master Plan," completed September 18, 2001) and the Town's Local Waterfront Revitalization Program (the "LWRP," adopted by the Town Board on July 18, 2000 and incorporated into the Master Plan) relative to lands generally located in the vicinity of the Erie Canal (the "Canal"). More specifically, the Proposal includes but is not limited to the following amendments, which are summarized below:
 - a. Modify the WD (Waterfront Development) zoning district. This district was created when the Town Board adopted the Zoning Ordinance and the Zoning Map in 2003, and it is one of the first steps in the implementation of the LWRP and Master Plan recommendations. The WD district requires a mixture of office, service, retail, residential, and water-oriented recreational uses. There are limits on the sizes of buildings and individual uses; drive-up service windows are not permitted. The current text for this district lacks clarity in both format and content; the modifications contained in the Proposal are an attempt to remedy that. Modification of the WD district also includes changes to its development regulations, including but not limited to lot size and setback requirements, and greater specificity relative to the layout and appearance of buildings. Although the WD district's location previously was not shown on the Zoning Map, the Proposal now will establish it next to the Erie Canal, as recommended by the LWRP and the Master Plan, in a specific location. The Proposal will change the zoning classification of 27.84+/- acres from IG (General Industrial) to the WD district.
 - b. Modify the CCO (Canal Corridor Overlay) zoning district. This district was created when the Town Board adopted the Zoning Ordinance and the Zoning Map in 2003, and it is the other first step in the implementation of the LWRP and Master Plan recommendations. The CCO district is an overlay; that is, it is an extra set of rules pertaining to uses and development regulations for a defined area, which is put on top of the rules for the zoning district for that area. The current text for this district lacks clarity in both format and content; the modifications contained in the Proposal are an attempt to remedy that. Although the CCO district's location previously was not shown on the Zoning Map, the Proposal now will establish it along the Erie Canal as added protection for this historic and scenic resource, as recommended by the LWRP and the Master Plan, in a specific location.
 - c. Create the FOI (Flexible Office/Industrial) zoning district. This zoning district will permit greater flexibility in both uses and site design. The FOI district will permit both light industrial uses and office uses, and will allow for such uses to be on smaller lots; however, some industrial uses will be prohibited because they are

deemed incompatible with the purpose and intent of this zoning district. An example of the type of mixed office/industrial development that could result is the Canal Ponds Business Park. Creation of the FOI district also includes establishment of its development regulations, including but not limited to lot size and setback requirements. The Proposal will establish the district on the Zoning Map in the vicinity of the Erie Canal, as recommended by the LWRP and the 2001 Master Plan, in a specific location. The Proposal will change the zoning classification of 456.42+/- acres from IG (General Industrial) and R1-E (Single-Family Residential) to the FOI district.

- d. Modify various provisions of the Zoning Ordinance, including but not limited to definitions and modifications to requirements for boat-launching and -storage structures, parking, and fences. The intent and purpose of such changes are to provide additional clarity to the regulations for the WD, CCO, and FOI districts.
2. On January 15, 2008, at 6:30 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Proposal, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence relative to the Proposal were presented at the Hearing for the Town Board's consideration.
4. At the conclusion of the Hearing, the Town Board closed the Hearing and reserved decision on the Proposal.
5. The Town Board carefully has considered the Proposal and additional information submitted by the Town's own staff, including but not limited to: additional oral or written descriptions of the Proposal; and various oral or written comments that resulted from telephone conversations, meetings, or written correspondence from or with the Town's own staff.
6. The Town Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to: the New York State Department of State; the Monroe County Department of Planning and Development; the Town of Gates; the Town of Greece Planning Board; the Town of Greece Board of Zoning Appeals; the Town of Greece Environmental Board; and the Town's own staff.
7. The Town Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with persons and organizations in interest, and all other comments submitted to the Town Board as of July 20, 2010.
8. According to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), the formulation of the Master Plan was classified as a Type I action.
9. In accordance with SEQRA, the Town Board was designated as the lead agency for the coordinated environmental review of the Master Plan.
10. In accordance with New York State Town Law, Section 272-a(8), the Master Plan also served as the draft generic environmental impact statement and the final generic environmental impact statement (together, the "GEIS").
11. On September 18, 2001, in accordance with SEQRA, the Town Board issued a Findings Statement on the Master Plan (the "Findings Statement"). In the Findings Statement, the Town Board made the following findings relative to the Master Plan and its coordinated environmental review:
 - a. The Town Board met the procedural and substantive requirements of SEQRA.
 - b. The Town Board carefully considered each and every criterion for determining the potential significance of the Master Plan upon the environment, as set forth in SEQRA.

- c. The Town Board made a careful, independent review of the Master Plan and carefully considered (that is, took the required "hard look" at) the relevant environmental impacts, facts, alternatives, and conclusions disclosed in the GEIS and in all supplemental maps, descriptions, analyses, reports, and reviews.
 - d. The Town Board concurred with the information and conclusions contained in the GEIS.
 - e. The Town Board made a reasoned elaboration of the rationale for its determination of environmental significance, and its determination was supported by substantial evidence, as set forth in the Findings Statement.
 - f. In the coordinated environmental review of the Master Plan, the Town Board carefully weighed and balanced relevant environmental impacts with social, economic, and other considerations.
 - g. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the recommended land uses and actions in the Master Plan, if implemented, would avoid or minimize adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.
12. It was and still is the intent of the Town Board to use the Zoning Ordinance and the Zoning Map to implement recommendations contained in the LWRP and the Master Plan.
13. The Proposal is consistent with and in conformity with, and will implement further, recommendations contained in the LWRP and the Master Plan. Significant examples of this consistency and conformity are described below.
- a. Develop a port area along the Erie Canal. The legislative intent and purpose of the Waterfront Development (WD) district is to provide unique opportunities for the development and continued operation and maintenance of water-oriented uses within certain areas adjacent to the Erie Canal. The WD district requires or permits certain recreational, open space, business and residential uses that generally will benefit from and enhance the unique aesthetic, recreational, environmental and historical qualities of the waterfront areas. This district also is designed to protect unique and sensitive environmental and historical features that may exist along the shoreline, to promote and encourage public access to the shoreline, and to encourage appropriate water-oriented recreational uses along the shoreline.
 - b. Encourage a mixture of office and light industrial development near the Erie Canal. The legislative intent and purpose of the Flexible Office/Industrial (FOI) district is to enhance the long-term fiscal well-being of the Town by providing opportunities for expansion of the employment base and tax base in the vicinity of the Erie Canal in a manner that preserves open space and natural habitat areas, while also promoting a pedestrian-friendly environment and public access to the canal waterfront for recreation and interpretation of local history. In order to encourage the development of office uses and certain industrial uses, the FOI district allows flexibility of site design and interchangeability of uses within buildings.
 - c. Provide open space and recreational opportunities near the Erie Canal. The WD district requires or permits certain recreational and open space uses that generally will benefit from and enhance the unique aesthetic and recreational qualities of the waterfront areas. The WD district requires the Planning Board to ensure that there is adequate and safe means of pedestrian connections to pedestrian/bicycle paths along the Erie Canal. Pedestrian and bicycle paths must be linked to other existing local and regional trail systems. Pedestrian paths and amenities must be compliant with the provisions of the federal Americans with Disabilities Act. Accessory structures that are adjacent to pedestrian paths, including but not limited to pavilions, gazebos, railings, fences, boardwalks, docks, decks, benches, refuse containers, bicycle racks, landscaping, crosswalk treatments, signs, and lighting, must be located, oriented and scaled for pedestrian use. Buildings and structures that are

adjacent to the Erie Canal must be located and oriented in a way that provides for public spaces and public gathering places that are adjacent to the canal. Buildings that are adjacent to the Erie Canal must have at least one means of public ingress/egress on the canal side of such buildings. Buildings and structures that are adjacent to the Erie Canal must be oriented in a way that encourages pedestrian access and recreational use on the canal. Buildings and structures that are adjacent to the Erie Canal must provide opportunities for outdoor seating at restaurants, cafés, snack bars, and other similar uses. Buildings that are adjacent to the Erie Canal must have a clear relationship to the canal and must reinforce a pedestrian framework by locating primary façades parallel to the canal.

d. Protect visual, historical, and environmental features along the Erie Canal.

- (i) The Flexible Office/Industrial (FOI) district has elements that are designed to preserve open space and natural habitat areas in the vicinity of the Erie Canal. Locations of the FOI district on the Zoning Map include federal wetlands, which are protected by the federal Clean Water Act, Section 404, and regulated by the United States Army Corps of Engineers in consultation with the New York State Department of Environmental Conservation; such areas cannot be filled or otherwise disturbed. The FOI district prohibits the following uses, which are presumed to have a higher potential for visual and environmental degradation: dismantling, storage, processing or sale of salvageable parts from wrecked automobiles or other machinery, including scrap metal or other discarded but recyclable material; oil, gas or mineral extraction or surface mining; freight or truck terminals; bulk fuel storage; bulk industrial chemical storage or processing; self-service storage facilities; storage areas for construction materials and equipment; advertising signs; uses which may be noxious or injurious due to the production or emission of dust, smoke, odor, gases, fumes, solid or liquid waste, noise, light, vibration, or nuclear or electromagnetic radiation or due to the likelihood of injury to persons or damage to property if an accident occurs. Development in the FOI district is subject to review and approval by the Planning Board, and must conform to local, state, and federal storm water management requirements. Significant portions of land must be set aside for storm water management and protection of wetlands, which preserves open space and natural habitats.
- (ii) The legislative intent and purpose of the Canal Corridor Overlay (CCO) district is to protect a scenic corridor along the Erie Canal, by maintaining a vegetative corridor along most of the Town's canal waterfront and by providing a consistent level of protection of the visual, environmental, and historical resources within this corridor. In order to accomplish this, the CCO district is overlaid onto zoning districts that are adjacent to the Erie Canal. All provisions of the underlying districts remain in full force and effect, except where provisions of the CCO district differ; in such cases, the more restrictive provision shall apply. The CCO district is not overlaid on the WD district in order to avoid conflicts with the WD district's own provisions for balancing protection of visual, historical, and environmental qualities or features with promoting public access to recreational opportunities along the canal. The uses that are prohibited in the CCO district are the same as those that are prohibited in the FOI district.
- (iii) Among the specific purposes of the Waterfront Development (WD) district are: promoting the most desirable and appropriate use of land and building development based upon consideration of land and soil characteristics and other natural features, environmental constraints, and neighborhood characteristics; ensuring that development and land use or water use activities occur in harmony with the ecological systems that exist along the Erie Canal and in locations identified in the LWRP; and encouraging flexibility of design, preservation of unique environmental and historical features, and maintenance of the aesthetic quality of waterfront areas by establishing appropriate design techniques in keeping with the Erie Canal's historical nature. The WD district requires or permits certain uses that generally will benefit from and enhance unique and sensitive environmental and historical qualities or features along the canal shoreline. The exterior appearance (that

is, materials, colors and architectural style, including details) of buildings and structures is subject to review and approval by the Planning Board. The exterior appearance of buildings and structures must reflect the history and unique identity of the Erie Canal in Western New York.

14. Pursuant to the SEQRA Regulations, Section 617.10(d)(1), no further SEQRA compliance is required if a subsequent proposed action will be carried out in conformity with the conditions and thresholds established for such actions in the GEIS or its Findings Statement.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, and after examining the Town Board's own initial concerns and all issues and comments submitted by involved and interested agencies and the Town's own staff, the Town Board determines that the Proposal is consistent with and in conformity with the LWRP and the Master Plan, and that SEQRA requires no further action relative to the Proposal.

ADOPTED Ayes 5 Auburger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#228B - Councilman Conlon offered the following resolution and moved its adoption:

WHEREAS, the Town Board of the Town of Greece, Monroe County, New York (respectively, the "Town Board" and the "Town") has proposed to amend the Code of the Town of Greece, New York, Chapter 211 (the "Zoning Ordinance") and the Official Zoning Map of the Town of Greece, New York (the "Zoning Map") pursuant to New York State Town Law, Sections 264 and 265; and

WHEREAS, the Town Board makes the following findings:

1. In general summary, the Town Board's proposal (the "Proposal") is to amend the Zoning Ordinance and the Zoning Map in order to implement recommendations contained in the Town's *2001 Community Master Plan Update* (the "Master Plan," completed September 18, 2001) and the Town's Local Waterfront Revitalization Program (the "LWRP," adopted by the Town Board on July 18, 2000 and incorporated into the Master Plan) relative to lands generally located in the vicinity of the Erie Canal (the "Canal"). More specifically, the Proposal includes but is not limited to the following amendments, which are summarized below:
 - a. Modify the WD (Waterfront Development) zoning district. This district was created when the Town Board adopted the Zoning Ordinance and the Zoning Map in 2003, and it is one of the first steps in the implementation of the LWRP and Master Plan recommendations. The WD district requires a mixture of office, service, retail, residential, and water-oriented recreational uses. There are limits on the sizes of buildings and individual uses; drive-up service windows are not permitted. The current text for this district lacks clarity in both format and content; the modifications contained in the Proposal are an attempt to remedy that. Modification of the WD district also includes changes to its development regulations, including but not limited to lot size and setback requirements, and greater specificity relative to the layout and appearance of buildings. Although the WD district's location previously was not shown on the Zoning Map, the Proposal now will establish it next to the Erie Canal, as recommended by the LWRP and the Master Plan, in a specific location. The Proposal will change the zoning classification of 27.84 +/- acres from IG (General Industrial) to the WD district.
 - b. Modify the CCO (Canal Corridor Overlay) zoning district. This district was created when the Town Board adopted the Zoning Ordinance and the Zoning Map in 2003, and it is the other first step in the implementation of the LWRP and Master Plan recommendations. The CCO district is an overlay; that is, it is an extra set of rules pertaining to uses and development regulations for a defined area, which is put on top of the rules for the zoning district for that area. The current text for this district lacks clarity in both format and content; the modifications contained in the Proposal are an attempt to remedy that. Although the CCO district's location previously was

not shown on the Zoning Map, the Proposal now will establish it along the Erie Canal as added protection for this historic and scenic resource, as recommended by the LWRP and the Master Plan, in a specific location.

- c. Create the FOI (Flexible Office/Industrial) zoning district. This zoning district will permit greater flexibility in both uses and site design. The FOI district will permit both light industrial uses and office uses, and will allow for such uses to be on smaller lots; however, some industrial uses will be prohibited because they are deemed incompatible with the purpose and intent of this zoning district. An example of the type of mixed office/industrial development that could result is the Canal Ponds Business Park. Creation of the FOI district also includes establishment of its development regulations, including but not limited to lot size and setback requirements. The Proposal will establish the district on the Zoning Map in the vicinity of the Erie Canal, as recommended by the LWRP and the 2001 Master Plan, in a specific location. The Proposal will change the zoning classification of 456.42+/- acres from IG (General Industrial) and R1-E (Single-Family Residential) to the FOI district.
 - d. Modify various provisions of the Zoning Ordinance, including but not limited to definitions and modifications to requirements for boat-launching and -storage structures, parking, and fences. The intent and purpose of such changes are to provide additional clarity to the regulations for the WD, CCO, and FOI districts.
2. Proof was had of the notice of a public hearing on a resolution proposing to adopt and enact amendments to the Zoning Ordinance and the Zoning Map.
3. On January 15, 2008, at 6:30 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Proposal, at which time all persons and organizations in interest were heard.
4. Documentary, testimonial, and other evidence relative to the Proposal was presented at the Hearing for the Town Board's consideration.
5. At the conclusion of the Hearing, the Town Board closed the Hearing and reserved decision on the Proposal.
6. The Town Board carefully has considered the Proposal and additional information submitted by the Town's own staff, including, but not limited to: additional oral or written descriptions of the Proposal; and various oral or written comments that resulted from telephone conversations, meetings, or written correspondence from or with the Town's own staff.
7. The Town Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including, but not limited to: New York State Department of State; the Monroe County Department of Planning and Development; the Town of Gates; the Town of Greece Planning Board (the "Planning Board"); the Town of Greece Board of Zoning Appeals ("Board of Zoning Appeals"); the Town of Greece Environmental Board; and the Town's own staff.
8. The Town Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with persons and organizations in interest, and all other comments submitted to the Town Board as of July 20, 2010.
9. In response to information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with persons and organizations in interest, the Town's staff has made modifications to the Proposal, including but not limited to: increased setbacks from residential properties; and development regulations in the Waterfront Development (WD) zoning district.
10. It was and still is the intent of the Town Board to use the Zoning Ordinance and the Zoning Map to implement recommendations contained in the LWRP and the Master Plan.

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held July 20, 2010 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

11. The Proposal is consistent with and in conformity with, and will implement further, recommendations contained in the LWRP and the Master Plan.
12. On July 20, 2010, in accordance with the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), the Town Board completed its environmental review of the Proposal. The Town Board found that the Proposal is consistent with and in conformity with, and will implement further, the Master Plan, which was classified as a Type I action under SEQRA. The Master Plan also served as the draft generic environmental impact statement and the final generic environmental impact statement (together, the "GEIS") for the coordinated environmental review under SEQRA. The Town Board's findings on compliance with SEQRA are incorporated herein as findings of the Town Board in its decision on the Proposal.
13. The Town Board has complied with the requirements of the New York State Town Law, Sections 264 and 265.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, the Code of the Town of Greece, New York, Chapter 211 (the "Zoning Ordinance") and the Official Zoning Map of the Town of Greece, New York (the "Zoning Map") hereby be and the same are amended; and be it further

RESOLVED that the complete and entire text of the amendments to the Zoning Ordinance and the complete and entire amendments to the Zoning Map as herein adopted, designated Attachments 1 and 2, respectively, are annexed hereto and incorporated herein, and be it further

RESOLVED that the complete and entire text amendments to the Zoning Ordinance and the complete and entire amendments to the Zoning Map shall become effective immediately after the same have been published and posted as provided by law, including the publication thereof once in the Greece Post, a newspaper of general circulation in the Town of Greece.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

PUBLIC HEARINGS:

6:30 P.M. PUBLIC HEARING TO CONSIDER THE REQUEST SUBMITTED BY CLB DEVELOPERS, INC. TO REZONE 7.5+/- ACRES FROM IL (LIGHT INDUSTRIAL) TO RMS (MULTIPLE-FAMILY RESIDENTIAL – SENIOR CITIZEN), ON PROPERTY LOCATED AT 500 ELMGROVE ROAD.

Proof of publication and Affidavit of Posting of Notice was received, read and ordered filed.

Affidavit of compliance with Section 211-37D(2)(a)(5) of the Town of Greece Zoning Ordinance was received and filed.

Gary Tajkowski, Director of Development Services

Proposal is for re-approval of October 2006 Town Board approval. This is a zoning change from LI (Light Industrial) to RMS (Multiple-Family Residential-Senior Citizen) for senior citizens only.

The project consists of twenty-four units – twelve pairs of duplex units for rent to senior citizens only. Approved by the town's Planning Board in December 2006, but there was an eighteen-month time limit to seek building permits and start work. Due to market conditions and other matters, applicant wasn't in a position to proceed at that time. Applicant would now like to proceed with the project.

Councilman Conlon Has anything changed in the project since 2006? Ans. – No. Everything remains the same.

Hearing closed.

#229A - Councilman Conlon offered the following resolution and moved its adoption:

WHEREAS, CLB Developers, Inc. (the "Project Sponsor") has submitted a request to the Town Board of the Town of Greece, Monroe County, New York (respectively, the "Town Board" and the "Town") to amend the Zoning Ordinance and the Official Zoning Map of the Town of Greece, New York, relative to property located at 500 Elmgrove Road; and

WHEREAS, the Town Board makes the following findings:

- In summary, the Project Sponsor's proposal (the "Proposal") is to rezone 7.5 +/- acres of real property (the "Premises") from R1-E (Single-Family Residential) and IL (Light Industrial) to RMS (Multiple-Family Residential – Senior Citizen) in order to construct duplex townhouses for senior citizens. The Project Sponsor's proposed development of the Premises previously had the following approvals, which have expired: on October 17, 2006, the Town Board approved a rezoning request that was substantially the same as the Proposal (the "2006 Proposal"); and on December 13, 2006, the Town of Greece Planning Board (the "Planning Board") approved a site plan for the development of the Premises. As shown on the previously approved site plan, the Proposal consists of 12 one-story duplex buildings (24 dwelling units) on a private drive. The Premises currently consist of undeveloped land. Vehicular access for the Premises is via a non-signalized driveway at Elmgrove Road (New York State Route 386, a two-lane highway).
- Upon review of the Proposal, the Town Board has determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes an Unlisted action under SEQRA.
- On July 20, 2010 at 6:30 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Proposal, at which time all persons and organizations in interest were heard.
- Documentary, testimonial, and other evidence relative to the Proposal were presented at the Hearing for the Town Board's consideration.
- The Town Board carefully considered environmental information that was prepared by the Project Sponsor's representatives for the Proposal and for the 2006 Proposal (collectively, the "Environmental Analysis"), which included but was not limited to: a description of the Proposal; a Short Environmental Assessment Form; conceptual site development plans; and an analysis of vehicular traffic volumes that likely would be generated by the Proposal.
- The Town Board carefully considered additional information submitted by the Project Sponsor's representatives for the Proposal and for the 2006 Proposal, including but not limited to: oral or written descriptions of the Proposal; maps of the Proposal; storm water management calculations and plans for the Premises; and various oral or written comments that resulted from telephone conversations, meetings, or written correspondence from or with the Project Sponsor's representatives.
- The Town Board carefully considered information, recommendations, and comments about the Proposal and the 2006 Proposal that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to: the Monroe County Department of Planning and Development; the Town of Greece Planning Board; the Town of Greece Environmental Board; and the Town's own staff.
- The Town Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, and written correspondence from or with nearby property owners, and all other comments submitted to the Town Board as of July 20, 2010.
- On October 17, 2006, the Town Board determined that the 2006 Proposal would not have a significant adverse impact on the environment, and issued a negative declaration relative to the 2006 Proposal, pursuant to SEQRA.

- The Proposal is substantially identical to the 2006 Proposal; that is, the current proposed zoning, use, and layout of the Premises are the same as or substantially the same as what the Town Board and the Planning Board previously approved.
- The character of the area in the vicinity of the Premises (including but not limited to vehicular traffic, drainage, and the nature and intensity of land uses) has not changed substantially since the Town Board’s approval of the 2006 Proposal and Planning Board’s site plan approval for the Premises.
- The Town Board has met the procedural and substantive requirements of SEQRA.
- The Town Board carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
- The Town Board carefully has considered (that is, has taken the required “hard look” at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional information submitted.
- The Town Board concurs with the information and conclusions contained in the Environmental Analysis and all additional information submitted.
- The Town Board has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Town Board’s determination is supported by substantial evidence, as set forth herein.
- Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the Proposal minimizes or avoids adverse environmental effects to the maximum extent practicable.
- To the maximum extent practicable, potential adverse environmental impacts revealed in the environmental review process will be avoided or minimized by the Project Sponsor’s voluntary incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Town Board’s own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town’s own staff, the Town Board determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

ADOPTED Ayes 5 Auberger, O’Keefe, Bilsky, Helfer, Antelli
 Nays 0

#229B - Councilman Conlon offered the following resolution and moved its adoption:

WHEREAS, CLB Developers, Inc. (the “Project Sponsor”) has submitted a request to the Town Board of the Town of Greece, Monroe County, New York (respectively, the “Town Board” and the “Town”) to amend the Zoning Ordinance and the Official Zoning Map of the Town of Greece, New York, relative to property located at 500 Elmgrove Road; and

WHEREAS, the Town Board makes the following findings:

1. In summary, the Applicant’s proposal (the “Proposal”) is to rezone 7.5+/- acres of real property (the “Premises”) from R1-E (Single-Family Residential) and IL (Light Industrial) to RMS (Multiple-Family Residential – Senior Citizen) in order to construct duplex townhouses for senior citizens. The Applicant’s proposed development of the Premises previously had the following approvals, which have expired: on October 17, 2006, the Town Board approved a rezoning request that was substantially the same as the Proposal (the “2006 Proposal”); and on December 13, 2006, the Town of Greece Planning Board (the “Planning Board”) approved a site plan for the development of the Premises. As shown on the previously approved site plan, the Proposal consists of 12 one-story duplex buildings (24 dwelling units) on a private drive. The Premises currently consist of undeveloped land.

Vehicular access for the Premises is via a non-signalized driveway at Elmgrove Road (New York State Route 386, a two-lane highway).

2. Proof was had of the notice of a public hearing on a resolution proposing to amend said Zoning Ordinance and Official Zoning Map by rezoning 7.5+/- acres from R1-E (Single-Family Residential) and IL (Light Industrial) to RMS (Multiple-Family Residential – Senior Citizen), relative to property located at 500 Elmgrove Road.
3. On July 20, 2010 at 6:30 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the “Hearing”) to consider the Proposal, at which time all persons and organizations in interest were heard.
4. Documentary, testimonial, and other evidence relative to the Proposal were presented at the Hearing for the Town Board's consideration.
5. At the conclusion of the Hearing, the Town Board closed the Hearing.
6. The Proposal is substantially identical to the 2006 Proposal. The current proposed zoning, use, and layout of the Premises are the same as what the Town Board and the Planning Board previously approved.
7. The character of the area in the vicinity of the Premises (including but not limited to vehicular traffic, drainage, and the nature and intensity of land uses) has not changed substantially since the Town Board's approval of the 2006 Proposal and Planning Board's site plan approval for the Premises.
8. In order to further the legislative intent and purposes of the RMS zoning district set forth in the *Code of the Town of Greece, New York*, Chapter 211 (the Town's zoning ordinance), the Applicant's representatives have submitted satisfactory written assurances that the Proposal will comply with the requirements of the Town's zoning ordinance relative to ensuring that any dwelling units placed, erected, or constructed on the Premises will be for senior citizens.
9. In order to further the legislative intent and purposes of the RMS zoning district set forth in the Town's zoning ordinance, the Applicant voluntarily has offered and agreed to prohibit the placement, erection, or construction of accessory structures on the Premises, including but not limited to sheds, swimming pools, and playground equipment; however, such prohibition does not include an accessory building for the storage of materials and equipment to be used for routine operation and maintenance of the Premises. Furthermore, the Applicant voluntarily has offered and agreed to limit the size and location of decks, patios, and fences on the Premises.
10. The Premises are surrounded by the following zoning districts and land uses:
 - North and Northeast: IL (Light Industrial) –railroad right-of-way that no longer is in use; PL (Public Land) – a former railroad right-of-way that now is owned by the County of Monroe; IG (General Industrial) – undeveloped land; R1-E (Single-Family Residential) – single-family houses; and R1-8 (Single-Family Residential) – single-family houses and undeveloped land.
 - South and Southwest: Land in the Town of Gates zoned single-family residential – single-family houses.
 - West: R1-E (Single-Family Residential) – single-family houses.
11. The Proposal is consistent with general and specific recommendations in the Town's 2001 *Community Master Plan Update* (completed September 18, 2001). The master plan update recognized the growing need for a variety of housing for senior citizens, and recommended that such housing be permitted wherever the Town Board deemed it to be appropriate.
12. According to data from the United States Census Bureau, the number of senior citizens (that is, persons aged 55 and older) in the Town of Greece is increasing, as is their percentage of the Town's total population.
13. Because the term “senior citizen” includes anyone over the age of 55, there is a wide range of housing and services that are wanted or needed by this segment of the population, from smaller single-family houses and lots with completely independent living, to fully

independent apartments, to semi-independent living in facilities that provide varying levels of service and assistance, to skilled nursing care.

14. The Town Board wants to accommodate the various forms of housing for the Town's senior citizens, so that they have an opportunity to remain residents of the Town as their housing needs change. The Town Board also wants to allow flexibility if new types of housing for senior citizens become available.
15. The Proposal meets the Town Board's goal of providing a flexible set of housing opportunities for senior citizens, in a way that does not adversely affect surrounding neighbors.
16. The Planning Board recommended that the Town Board re-approve the Proposal.
17. The size and shape of the Premises are suitable for the Proposal.
18. Based on a review of existing and proposed conditions by the Town's Department of Public Works and its Engineering Division, public utility service and vehicular access are adequate for the Proposal.
19. On July 20, 2010, in accordance with the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8), and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), the Town Board issued a negative declaration for the environmental review of the Proposal (the "Negative Declaration"). The Negative Declaration indicated that, consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the Proposal minimizes or avoids adverse environmental effects to the maximum extent practicable, that potential adverse environmental effects will be minimized or avoided to the maximum extent practicable by the Applicant's voluntary incorporation of those mitigation measures that were identified as practicable, and that the Proposal will not have a significant adverse effect on the environment. The Negative Declaration is incorporated herein as findings of the Town Board in the decision on the Proposal.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, the Zoning Ordinance and the Official Zoning Map of the Town of Greece, New York, hereby be and the same are amended to change the zoning classification of 7.5+/- acres from R1-E (Single-Family Residential) and IL (Light Industrial) to RMS (Multiple-Family Residential – Senior Citizen), relative to property located at 500 Elmgrove Road, as more particularly identified in the description attached hereto, subject to the following conditions:

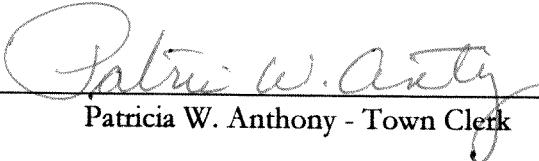
1. The zoning of the Premises shall revert to the previous zoning, without public hearing, if the Applicant has not obtained a building permit for the Proposal and undertaken substantial work pursuant to such permit within 18 months of the date of this resolution.
2. The Applicant shall submit a request to the Town of Greece Planning Board for site plan re-approval in order to address the details of site development issues, including but not limited to: building and parking layout; vehicular ingress and egress for the Premises; vehicular and pedestrian traffic flow on the Premises; exterior appearance of the buildings (that is, materials, colors, and architectural style); landscaping and buffering; lighting; utilities; site grading; and drainage control.
3. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans for the Proposal, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.
4. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held July 20, 2010 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

ADOPTED Ayes 5 Auburger, O'Keefe, Bilsky, Helfer, Antelli
Nays 0

Meeting adjourned at 6:37p.m.


Patricia W. Anthony - Town Clerk

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Town of Greece
2010 Budget Modifications
07/20/2010 Agenda

Action	Account	Amount
1.) Increase Appropriations	A.3650.102,802,807-Code Compliance	\$ 8,984.75
Increase Revenue	A.1570-Code Compliance	\$ 8,984.75
To Reconcile PP 12 Code Compliance Expenditures		
2. Increase Appropriations	MS.1930.411-Ins Reserve-General Liability	\$ 79,277.00
Increase Revenue	MS.2401-Interest Earnings	\$ 2,275.00
Increase Revenue	MS.2680-Ins Recovery	\$ 2,002.00
Fund Balance	Insurance Reserve Fund	\$ 75,000.00
To Reconcile General Liability Claim Expenditures		
3.) Increase Appropriations	A.3120.203-Public Safety Vehicles	\$ 40,383.00
Increase Revenue	A2680-Sale of Equipment	\$ 40,383.00
To Appropriate 05/18/2010 Police Vehicle Auction Proceeds		
4.) Increase Appropriations	DA5130.203-Public Works Equipment	\$ 61,000.00
Increase Revenue	DA.2665-Sale of Equipment	\$ 61,000.00
To Appropriate 05/18/2010 DPW Vehicle Auction Proceeds		
5.) Transfer From	A.1490.406,412,414-DPW Admin Contract Services	\$ 1,500.00
Transfer From	A8160.416-Trees Contractual Services	\$ 1,000.00
Transfer To	A5132.425-DPW Facility Maintenance Supplies	\$ 2,500.00
To Reconcile DPW Facility Maintenance Supply Funding Requirements		

**SURPLUS/SCRAPPED ITEMS
JULY 20, 2010 AGENDA**

DEPARTMENT OF PUBLIC WORKS

Telephones:
LGVX8350
LGVX4600
LGVX5500

COMMUNITY & SENIOR CENTER

Scrap

- 2 Detroiter Table Tennis Tables
- 3 NBA Huffy 1 on 1 Mini Basketball Hoops
- 1 Shootcase BeeBall Mini Basketball Hoop
- 1 2-in-1 Multi-Game Table from Harvard

Surplus

- 34 Soccer Balls
- 2 Playground Balls
- 14 Basketballs
- 2 Footballs
- 2 Detroiter Table Tennis Tables

POLICE DEPARTMENT

Cell Phone - LG Model VX9900 - Serial # 703kpjp0585908

TECHNICAL SERVICES

LG Cell Phone	Model VX8550RLK	SN#707KPUU0328030
With LG Adapter	Model STA-P52WS	SN#SA76100017
and Belt Clip	Model LGYX85550 PC WS1-2	
Samsung Cell Phone	Model SCH-A950	SN#A3LSCHA950
with Samsung Adapter	Model TAD137VSE	
LG Cell Phone	Model VX8550BLK	SN#707KPCA0305987
with LG Adapter	Model STA P52WD	SN#070806DHY13736
Sony Digital Photo		
Printer with Power Cord	Model DPP-EX5	SN#390532

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of GREECE
Town
Village

Local Law No. 2 of the year 2010

A local law to amend Chapter 211, Zoning, of the Code of the Town of Greece to add provisions regarding the Northampton Zoning Districts.

Be it enacted by the Town Board of the

County
City of GREECE as follows:
Town
Village

Chapter 211, Zoning, of the Code of the Town of Greece is hereby amended as follows:

Section 1. Section 211-5 is amended as follows:

- A. The definition of BOAT MOORING SLIP is added as follows:

BOAT MOORING SLIP — Any mooring accommodation for a boat or other watercraft while afloat.
- B. The definition of DOCK is added as follows:

DOCK — A wharf, pier or other similar structure with a platform and approved by the United States Army Corps of Engineers, which extends along the shoreline of navigable waters, or from such shoreline at an angle into such waters, and which may be used for the purpose of mooring, loading or unloading boats or other watercraft.
- C. The definition of DRIVE-UP FACILITY is added as follows:

DRIVE-UP FACILITY — A principal or accessory use that by design, physical facilities, service procedures or packaging procedures permits customers to drop off or receive information or instructions, or to receive services or obtain goods, merchandise or wares, while remaining in a motor vehicle on the premises. This definition shall not include

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(1)

gasoline dispensing stations and motor vehicle service stations, as defined by this chapter, or designated areas that are accessory to retail uses and are provided as a customer convenience for the purpose of loading typically large, heavy or unwieldy goods, merchandise or wares into a vehicle.

D. The definition of HOTEL is added as follows:

HOTEL — A business enterprise which offers to the general public temporary lodging accommodations that are used, rented or hired out to be occupied by transient guests who have their residences elsewhere, and which may contain other facilities accessory thereto which primarily are intended for use by such guests, including but not limited to snack bars, recreational facilities or activities, and retail shops for the sale of souvenirs and sundries, or which are intended for use by such guests as well as the general public, including but not limited to meeting rooms and restaurants or other dining facilities. This definition shall not include tourist homes, as defined by this chapter.

E. The definition of NONRESIDENTIAL DISTRICT is amended to read as follows:

NONRESIDENTIAL DISTRICT — All of the following zoning classifications of land as defined in this chapter and as delineated on the Official Zoning Map: Central Health Care (CHC) District; Office (BP1) District; Professional Office (BP2) District; Restricted Business (BR) District; General Business (BG) District; Light Industrial (IL) District; General Industrial (IG) District; Flexible Office/Industrial (FOI) District; Public Land (PL).

Section 2. Section 211-6 is amended to add the following after the LOC District:

Flexible Office/Industrial District FOI

Section 3. Section 211-19.1 is added as follows:

§ 211-19.1. FOI Flexible Office/Industrial District.

A. Legislative intent and purpose.

- (1) In accordance with the Town of Greece Local Waterfront Revitalization Plan (the “LWRP”), the Town of Greece 2001 Community Master Plan Update, previous Town of Greece canal-related planning studies, and regional and state canal plans and goals, the legislative intent and purpose of the Flexible Office/Industrial (FOI) District is to enhance the long-term fiscal well-being of the town by providing opportunities for expansion of the employment base and tax base in the vicinity of the Erie Canal in a manner that preserves open space and natural habitat areas, while also promoting a pedestrian-friendly environment and public access to the canal waterfront for recreation and interpretation of local history.
- (2) The specific purposes of this district include the following:
 - (a) To encourage the development of office uses and certain industrial uses by allowing flexibility of design and interchangeability of uses within buildings.

- (b) To promote the most desirable and appropriate use of land and building development based upon consideration of land and soil characteristics and other natural features, environmental constraints and overall community needs, while also protecting the character of the district, conserving the value of land and buildings, and protecting the tax revenue base.
- (c) To ensure that development and land use or water use activities occur in harmony with the ecological systems that exist along the Erie Canal and in locations identified in the LWRP and previous Town of Greece canal-related planning studies.
- (d) To permit the maintenance and extension of public access to the Erie Canal in a manner that is compatible with the primary purpose of proposed developments or activities.
- (e) To preserve, to the extent practicable, existing vegetation and natural features and to prevent, to the maximum extent practicable, erosion, sedimentation and drainage problems both during and after construction.
- (f) To use vegetative buffers to help reduce the velocity and volume of storm water runoff entering the Erie Canal, increase infiltration, decrease erosion, and protect water quality by filtering out pollutants, including nutrients from fertilizers and agricultural pesticides.
- (g) To recognize areas of significant environmental sensitivity that should not be intensely developed.
- (h) To encourage land uses along the Erie Canal which are compatible with the intent and purpose of this district.

B. Permitted principal uses.

- (1) Offices of health-care professions licensed by the State of New York, including but not limited to those of veterinarians, physicians, dentists or other health-care professionals.
- (2) Offices of lawyers, architects, engineers, accountants, real estate brokers, insurance agents, travel agents, sales or manufacturer's representatives, or other similar professions.
- (3) Data processing or customer service centers.
- (4) Computer service and repair centers, including accessory retail sales of computer-related equipment.
- (5) Group-instruction facilities.
- (6) Manufacture, assembly or processing of the following products:
 - (a) Scientific, medical, dental, optical, photographic, electronic, electrical, mechanical or tool and die equipment or instruments, or components thereof.
 - (b) Medical, dental or pharmaceutical supplies.
 - (c) Plastic products, but not including manufacture of plastics.

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- (d) Business and office equipment.
- (e) Furniture and cabinets.
- (f) Food or beverage products, but not including canning or freezing of fruits or vegetables, slaughtering and meat packing or fermentation or distillation of alcoholic beverages.
- (g) Other similar products.
- (7) Administrative or product development facilities, including but not limited to:
 - (a) Training centers.
 - (b) Research or testing laboratories.
- (8) Antennas, antenna supports and antenna towers in accordance with the regulations established in Article VIII.
- (9) Farms.
- (10) Indoor storage of construction materials and equipment.

C. Permitted accessory uses.

- (1) Pharmacies, provided that at least 50% of the building in which such pharmacies are located is occupied by physicians or dentists and provided that the space that is used for such pharmacies does not exceed 10% of the gross floor area of such building.
- (2) Restaurants, provided that:
 - (a) Such uses are located within a principal use and are incidental, secondary or subordinate to such principal use; and
 - (b) Such uses have provisions for not more than 10 persons to consume food or beverages on the premises.
- (3) Boarding of animals, provided that such use is located entirely inside the principal building that serves as a veterinarian's office.
- (4) Group-instruction facilities, provided that such facilities are located within a principal use and are incidental, secondary or subordinate to such principal use.
- (5) Retail sales or service of the products that are manufactured, assembled or produced on the premises, provided that:
 - (a) Such sales or service is conducted entirely within a building in which the space that is used for such activities does not exceed 20% of the gross floor area of all buildings on the premises; and

- (b) Parking spaces are provided in compliance with the requirements established for such use in § 211-40. Such parking spaces shall be provided in addition to the spaces that are required for the industrial uses on the premises.
- (6) When used as part of and in conjunction with the permitted principal uses:
 - (a) Product distribution centers, including facilities for transfer of products from one mode of transportation to another.
 - (b) Warehouses or storage facilities, including loading docks, but not including self-service storage facilities.
 - (c) Accessory or incidental industrial uses, including but not limited to equipment or apparatus for interior climate control and backup electricity supply.
 - (d) Farm structures used in conjunction with active farm operations.

D. Special permit uses.

- (1) The following uses may be permitted upon application to and with the approval of the Town Board pursuant to § 211-60A:
 - (a) Day-care centers or school-age child-care centers.
 - (b) Adult day-care centers.
 - (c) When not used as part of and in conjunction with the permitted principal uses:
 - [1] Product distribution centers, including facilities for transfer of products from one mode of transportation to another.
 - [2] Warehouses or storage facilities, including loading docks, but not including self-service storage facilities.
 - (d) Institutions of higher education.
 - (e) Technical/Vocational schools.
 - (f) Schools.
 - (g) Churches or other places of worship.
- (2) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A:
 - (a) Enlargement or expansion of legal preexisting structures or uses.

E. Prohibited uses.

- (1) Dismantling, storage, processing or sale of salvageable parts from wrecked automobiles or other machinery, including scrap metal or other discarded but recyclable material.
- (2) Oil, gas or mineral extraction or surface mining.

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- (3) Freight or truck terminals.
- (4) Bulk fuel storage.
- (5) Bulk industrial chemical storage or processing.
- (6) Self-service storage facilities.
- (7) Outdoor storage of construction materials and equipment.
- (8) Advertising signs.
- (9) Uses that may be noxious or injurious due to the production or emission of dust, smoke, odor, gases, fumes, solid or liquid waste, noise, light, vibration, or nuclear or electromagnetic radiation or due to the likelihood of injury to persons or damage to property if an accident occurred.

F. Development regulations. Area and setback regulations are contained in Table IV. Parking, fence and sign regulations are contained in Articles V, VI and VII, respectively.

Section 4. Section 211-20 is amended to read as follows:

§ 211-20. CCO Canal Corridor Overlay District.

A. Legislative intent and purpose.

- (1) In accordance with the Town of Greece Local Waterfront Revitalization Plan (the “LWRP”), the Town of Greece 2001 Community Master Plan Update, previous Town of Greece canal-related planning studies, and regional and state canal plans and goals, the legislative intent and purpose of the Canal Corridor Overlay (CCO) District is to protect a scenic corridor along the Erie Canal, by maintaining a vegetative corridor along most of the town’s canal waterfront and by providing a consistent level of protection of the visual, environmental, and historical resources within this corridor. In order to accomplish this, the CCO District is overlaid onto zoning districts that are adjacent to the Erie Canal. All provisions of the underlying districts remain in full force and effect, except where provisions of the CCO District differ; in such cases, the more restrictive provision shall apply.
- (2) The specific purposes of this district include the following:
 - (a) To preserve natural, scenic and historical values along the Erie Canal.
 - (b) To preserve woodlands, wetlands and other green space.
 - (c) To use existing vegetation along the canal to create a secluded natural experience for boaters, hikers, bikers and other canal users.
 - (d) To use vegetative buffers to help reduce the velocity and volume of storm water runoff entering the Erie Canal, increase infiltration, decrease erosion, and protect water quality by filtering out pollutants, including nutrients from fertilizers and agricultural pesticides.

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- (e) To regulate uses and structures along the Erie Canal in order to avoid increased erosion and sedimentation.
- (f) To recognize areas of significant environmental sensitivity that should not be intensely developed.
- (g) To encourage land uses along the Erie Canal that are compatible with the intent and purpose of this district.
- (h) To permit reasonable uses of land while directing more intense development to more appropriate areas of the community.

B. District boundaries. The CCO District comprises an area adjacent to the entire length of the Erie Canal in the Town of Greece and is parallel to and 200 feet from the high water mark of the Canal on each side of the Canal, but does not include any of the WD (Waterfront Development) District, all as shown on the Official Zoning Map.

C. Permitted uses; prohibited uses.

- (1) Permitted principal uses, accessory uses and special permit uses within the CCO District shall be those set forth in the underlying zoning district.
- (2) The following uses, however, are specifically prohibited within the CCO District:
 - (a) Dismantling, storage, processing or sale of salvageable parts from wrecked automobiles or other machinery, including scrap metal or other discarded but recyclable material.
 - (b) Oil, gas or mineral extraction or surface mining.
 - (c) Freight or truck terminals.
 - (d) Bulk fuel storage.
 - (e) Bulk industrial chemical storage or processing.
 - (f) Self-service storage facilities.
 - (g) Storage areas for construction materials and equipment.
 - (h) Advertising signs.
 - (i) Uses which may be noxious or injurious due to the production or emission of dust, smoke, odor, gases, fumes, solid or liquid waste, noise, light, vibration, or nuclear or electromagnetic radiation or due to the likelihood of injury to persons or damage to property if an accident occurs.

D. Development regulations.

- (1) Setback.
 - (a) Nonresidential districts.

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- [1] The minimum setback of principal and accessory buildings from the Erie Canal shall be 50 feet from the right-of-way of said canal. However, in no case shall principal and accessory buildings be placed, erected or constructed less than 150 feet from the high water mark of said canal.
 - [2] Structures may be placed, erected or constructed within the required setback distance, provided that the Planning Board finds that such structures are directly related to use of the Erie Canal. In such cases, the Planning Board shall have the authority to impose additional conditions as may be warranted.
 - (b) Residential districts.
 - [1] The minimum setback of principal buildings from the Erie Canal shall be 50 feet from the right-of-way of said canal.
 - [2] The minimum setback of accessory buildings from the Erie Canal shall be 20 feet from the right-of-way of said canal.
 - (2) Height.
 - (a) The maximum height of principal buildings shall be 35 feet. Exempt from this limitation are church spires, chimneys, cupolas, flagpoles and other similar appendages.
 - (b) The maximum height of accessory buildings shall be 17 feet.
 - (3) Parking areas and driveways. No parking area, driveway or public street shall be located closer than 100 feet to the high water mark of the Erie Canal.
 - (4) Vegetative buffer.
 - (a) Nonresidential districts. No existing vegetation within 100 feet of the high water mark of the Erie Canal shall be removed.
 - (b) Residential districts. No existing vegetation within 50 feet of the high water mark of the Erie Canal shall be removed.
 - (5) Docks and water surface use.
 - (a) Docks, boat mooring slips, boat-launching structures and boat storage structures may be permitted.
 - (b) Not more than one boat mooring slip shall be permitted per dwelling unit or residential unit.
 - (6) Additional requirements and standards.
 - (a) Parking and fence regulations are contained in Articles V and VI of this chapter, respectively.

- (b) Sign regulations are contained in Article VII of this chapter. The following signs are prohibited within 200 feet of the high water mark of the Erie Canal:
 - [1] Freestanding signs with a height greater than 12 feet above the surrounding average ground level or with a sign area greater than 40 square feet.
 - [2] Signs that are designed or intended to be moved from one location to another.
- (c) Development shall not prohibit, interfere with, hinder or discourage the public use of the Erie Canal Trail. Development shall provide opportunities for trail linkages between the Erie Canal Trail and existing or proposed pedestrian walkways.
- (d) When located adjacent to historic structures, new buildings shall reflect the architectural character of such existing historic structures.

Section 5. Section 211-21 is amended to read as follows:

§ 211-21. WD Waterfront Development District.

A. Legislative intent and purpose.

- (1) In accordance with the Town of Greece Local Waterfront Revitalization Plan (the “LWRP”), the Town of Greece 2001 Community Master Plan Update, previous Town of Greece canal-related planning studies, and regional and state canal plans and goals, the legislative intent and purpose of the Waterfront Development (WD) District is to provide unique opportunities for the development and continued operation and maintenance of water-oriented uses within certain areas adjacent to the Erie Canal. The WD District requires or permits certain recreational, open space, business and residential uses that generally will benefit from and enhance the unique aesthetic, recreational, environmental and historical qualities of the waterfront areas. This district also is designed to protect unique and sensitive environmental and historical features that may exist along the shoreline, to promote and encourage public access to the shoreline, and to encourage appropriate water-oriented recreational uses along the shoreline.
- (2) The specific purposes of this district include the following:
 - (a) To provide for a desirable mix of water-dependent and water-oriented recreational opportunities, business uses and residential uses that complement each other and are enhanced by the unique locational characteristics of the Erie Canal.
 - (b) To promote the most desirable and appropriate use of land and building development based upon consideration of land and soil characteristics and other natural features, environmental constraints, neighborhood characteristics and overall community needs, while also protecting the character of the district, conserving the value of land and buildings, and protecting the tax revenue base.
 - (c) To ensure that development and land use or water use activities occur in harmony with the ecological systems that exist along the Erie Canal and in locations

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identified in the LWRP and previous Town of Greece canal-related planning studies.

- (d) To encourage flexibility of design, preservation of unique environmental and historical features, and maintenance of the aesthetic quality of waterfront areas by establishing appropriate design techniques in keeping with the Erie Canal's historical nature, thereby promoting a more creative and imaginative design for development of waterfront areas than normally is possible in conventional zoning districts.
- (e) To promote the maintenance and extension of public access to the Erie Canal in a manner that is compatible with the primary purpose of proposed developments or activities.
- (f) To promote and encourage public access to the shoreline, and to encourage appropriate water-oriented recreational uses along the shoreline.
- (g) To promote opportunities for increased tourism.
- (h) To encourage appropriate and safe water surface use on the Erie Canal.
- (i) To preserve, to the extent practicable, the existing vegetation and natural features along the Erie Canal and to prevent, to the maximum extent practicable, erosion, sedimentation and drainage problems both during and after construction.
- (j) To encourage coordination with public agencies and private organizations involved with waterfront planning or waterfront-related development.

B. Required principal uses. In order to promote the intent and purpose of this section, a mixture of uses shall be required in the WD District. Not fewer than one of each of the following principal uses shall be required in this district:

- (1) Residential uses. Not fewer than one dwelling unit or residential unit shall be provided for each 5,000 square feet of nonresidential gross floor area. Such units may be:
 - (a) One-family dwellings; or
 - (b) Two-family dwellings; or
 - (c) Multiple-family dwellings; or
 - (d) Senior citizen residential facilities; or
 - (e) Any combination of such units.
- (2) Recreational uses available to the general public:
 - (a) Boat mooring slips and docks.
 - (b) Temporary boat docking facilities.
 - (c) Cartop boat launching facilities.

- (d) Parks, picnic areas and playgrounds.
- (e) Other water-dependent or water-oriented uses.
- (3) Business uses: The following uses may be permitted, provided that such uses are not, and do not include, a drive-up facility and provided that no such use exceeds 10,000 square feet in gross floor area:
 - (a) Retail uses, including but not limited to:
 - [1] Grocery stores.
 - [2] Pharmacies.
 - [3] Delicatessens or bakeries.
 - [4] Liquor stores.
 - [5] Florist shops.
 - [6] Clothing or shoe stores.
 - [7] Jewelry stores.
 - (b) Service uses, including but not limited to:
 - [1] Banks.
 - [2] Barbershops or beauty shops.
 - [3] Laundromats or dry cleaning pickup stations.
 - [4] Tailor or shoe repair shops.
 - [5] Physical fitness or exercise facilities or group-instruction facilities, provided that not more than 10 clients are present at such facilities at any one time.
 - (c) Tour boat operations, rental of boats or other watercraft, or other similar water-oriented commercial recreation uses.
 - (d) Artist studios, including accessory group instruction facilities, provided that not more than 10 clients are present at such facilities at any one time.
 - (e) Offices, including but not limited to those of lawyers, architects, engineers, accountants, real estate brokers, insurance agents, travel agents, sales or manufacturer's representatives, and health-care professions licensed by the State of New York, including but not limited to those of veterinarians, physicians, dentists or other health-care professionals.
 - (f) Tourist homes.
 - (g) Snack bars.

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C. Permitted principal uses. Parking spaces associated with any of the principal, accessory, or special permit uses in this Section.

D. Permitted accessory uses.

- (1) Group-instruction facilities, provided that such facilities are located within a principal use and are incidental, secondary or subordinate to said principal use.
- (2) Outdoor display of goods, merchandise or wares in accordance with the regulations established in § 211-25.
- (3) Minor home occupations in accordance with the regulations established in § 211-23.
- (4) Minor home health care facility
- (5) Storage structures for nonresidential uses, but not including self-service storage facilities, provided that the height of such structures shall not exceed 17 feet and provided that such structures shall be screened from view from neighboring properties and water bodies with the use of vegetation, fencing or berms, or any combination thereof.
- (6) Garden or tool sheds, patios or decks, swimming pools, private garages and other customary residential accessory structures, provided that such structures shall not be located in a yard that is adjacent to the Erie Canal.
- (7) Family day-care homes or group family day-care homes.
- (8) Minor home health care facilities.
- (9) Boat mooring slips for the private, noncommercial use of the residents of a dwelling unit or residential unit, provided that not more than one boat mooring slip shall be permitted per dwelling unit or residential unit.
- (10) Parking spaces associated with any of the principal, accessory, or special permit uses in this Section.

E. Special permit uses.

- (1) The following uses may be permitted upon application to and with the approval of the Town Board pursuant to § 211-60A:
 - (a) Marinas.
 - (b) Parking lots that are operated as a business enterprise, are available to the general public, and for which users must pay a fee.
 - (c) Restaurants, including outdoor cafés, provided that such uses are not, and do not include, a drive-up facility:
 - (d) Hotels.
 - (e) Group-instruction facilities, provided that more than 10 clients are present at said facilities at any one time.

- (f) Comfort care homes.
 - (g) Day-care centers or school-age child-care centers.
 - (h) Adult day-care centers.
 - (i) Institutions of higher education.
 - (j) Schools.
 - (k) Technical/vocational schools.
 - (l) Churches or other places of worship.
- (2) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A:
- (a) In-law apartments in accordance with the regulations established in § 211-11C(2)(a).
 - (b) Major home occupations in accordance with the regulations established in § 211-23.
- F. Site review and approval. Applications for site plan approval shall be submitted in accordance with the procedures established in § 211-60C. Applications for minor improvement plan approval shall be submitted in accordance with the procedures established in § 211-60D. In furtherance of the legislative intent and purpose of this section, the following regulations shall apply to the extent deemed appropriate and practicable by the Planning Board:
- (1) Buildings and other structures.
 - (a) Location and orientation of buildings and other structures.
 - (i) Buildings and structures shall be located and oriented in a way that provides for public spaces and public gathering places that are integral to such buildings and structures.
 - (ii) Buildings and structures that are adjacent to the Erie Canal shall be located and oriented in a way that provides for public spaces and public gathering places that are adjacent to the canal.
 - (iii) Buildings that are adjacent to the Erie Canal shall have at least one means of public ingress/egress on the canal side of such buildings.
 - (iv) Buildings and structures that are adjacent to the Erie Canal shall be oriented in a way that encourages pedestrian access and recreational use on the canal.
 - (v) Buildings and structures that are adjacent to the Erie Canal shall provide opportunities for outdoor seating at restaurants, cafés, snack bars, and other similar uses.

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- (vi) Buildings that are adjacent to the Erie Canal shall have a clear relationship to the canal and shall reinforce a pedestrian framework by locating primary façades parallel to the canal.
 - (vii) Distances between buildings and building clusters shall be minimized to facilitate outdoor pedestrian activity, particularly along the Erie Canal.
 - (viii) Buildings and structures shall be located so as to avoid flooding and erosion.
 - (ix) Utility structures, including but not limited to electricity transmission and distribution lines, telephone lines, and cable television lines, shall be located underground.
- (b) Architecture. The exterior appearance (that is, materials, colors and architectural style, including details) of buildings and structures shall be subject to review and approval by the Planning Board.
- (i) The exterior appearance of buildings and structures shall reflect the history and unique identity of the Erie Canal in Western New York.
 - (ii) The exterior appearance of buildings and structures shall be architecturally compatible with or complementary to other buildings and structures in the WD District.
 - (iii) Buildings shall maintain alignments of the horizontal elements of adjacent buildings, including but not limited to rooflines, eaves, water tables, and windows.
 - (iv) Visible rooflines shall include architectural embellishments, including but not limited to dormers, masonry chimneys, cupolas, and clock towers.
 - (v) Buildings located at a street corner or other visual focal point shall be designed with additional architectural embellishments, including but not limited to corner towers, chamfers, or other features that emphasize their location.
 - (vi) Not less than 60% of all first-floor façades (measured in square feet of surface area) fronting on a street, pedestrian path, or on the Erie Canal, shall consist of pedestrian entrances and windows.
 - (vii) Natural materials, including but not limited to brick, stone, wood, and stucco, shall be used on building exteriors.
 - (viii) Outdoor refuse container enclosures; heating, ventilation, and air conditioning equipment; and other utility equipment shall not be located between buildings and the Erie Canal, and shall be screened from public view.
 - (ix) Building entrances/exits shall be fully integrated with the outdoor pedestrian environment, and shall be clearly defined and articulated by architectural elements, including but not limited to lintels, pediments,

pilasters, columns, porticoes, porches, overhangs, railings, balustrades, building-mounted lights, and other similar features.

- (2) Pedestrian access. As part of the site plan review process, the Planning Board shall ensure that there is adequate and safe means of pedestrian circulation within the WD District, with connections to the surrounding community and to pedestrian/bicycle paths along the Erie Canal.
 - (a) Pedestrian access routes between the WD District and the Erie Canal shall take precedence over vehicle circulation routes.
 - (b) Pedestrian paths shall be furnished with a consistent decorative surface treatment.
 - (c) Pedestrian paths and related amenities within the WD District shall function as an integrated system.
 - (d) Accessory structures that are adjacent to pedestrian paths, including but not limited to pavilions, gazebos, railings, fences, boardwalks, docks, decks, benches, refuse containers, bicycle racks, landscaping, crosswalk treatments, signs, and lighting, shall be located, oriented and scaled for pedestrian use and shall be compatible or complementary in their materials, colors and styles.
 - (e) Site plans shall identify building entrances and connections to pedestrian paths.
 - (f) Pedestrian and bicycle paths shall be linked to other existing local and regional trail systems.
 - (g) Pedestrian paths and amenities shall be compliant with the provisions of the federal Americans with Disabilities Act.
 - (3) Vehicle access and parking. Vehicle access and parking shall be shared among uses, and shall be located and oriented subordinate to buildings, public spaces, public gathering places and pedestrian paths.
 - (4) Fences. Fences shall be compatible with or complementary to the materials, colors and architectural style of nearby buildings and structures.
 - (5) Signs. Business signs shall be oriented to the Erie Canal and pedestrian paths throughout the WD District.
 - (6) Lighting. Decorative, pedestrian-scaled light fixtures shall be used along pedestrian paths throughout the WD District.
- G. Development regulations. In furtherance of the legislative intent and purpose of the WD District, development within this district shall be subject to the following regulations:
- (1) Lot dimensions. There shall be no minimum or maximum lot width, lot depth, or lot area.
 - (2) Lot coverage. There shall be no minimum or maximum lot coverage.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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- (3) Gross floor area. The minimum gross floor area of any building that contains a nonresidential use shall be 5000 square feet. In no case shall any use within such building exceed 10,000 square feet in gross floor area.
- (4) Setback. The setbacks of all structures shall comply with the requirements and restrictions of the Building Codes of New York State.
- (5) Building height.
- (a) The maximum height of principal buildings that are adjacent to the Erie Canal shall be 50 feet.
- (b) The maximum height of accessory buildings in the WD District shall be 17 feet.
- (6) Parking.
- (a) Parking spaces for uses that are permitted in residential districts shall be subject to the regulations for such parking spaces contained in Article V of this chapter.
- (b) Parking spaces for uses that are permitted in nonresidential districts shall be subject to the regulations for such parking spaces contained in Article V of this chapter.
- (7) Fences.
- (a) Fences for uses that are permitted in residential districts shall be subject to the regulations for such fences contained in Article VI of this chapter.
- (b) Fences for uses that are permitted in nonresidential districts shall be subject to the regulations for such fences contained in Article VI of this chapter.
- (8) Signs.
- (a) Signs for uses that are permitted in residential districts shall be subject to the regulations for such signs contained in Article VII of this chapter, except as herein provided.
- (b) Signs for uses that are permitted in nonresidential districts shall be subject to the regulations for such signs contained in Article VII of this chapter, except as herein provided.
- (c) The highest side of a freestanding business or advertising sign in the WD District shall not exceed 15 feet above the surrounding average ground level, nor shall the area of such sign exceed 40 square feet.
- (d) The maximum sign area of a building-mounted sign in the WD District shall be 15 square feet.
- (9) Outdoor lighting. Outdoor lighting on buildings and structures and in parking areas shall be subject to the regulations for such lighting contained in § 211-32.

Section 6. Section 211-37A(1)(a)[1] is amended to change “board” to “boat.”

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 7. Section 211-45Q is amended to change “BR and BG Districts” to “BR, BG, FOI and WD Districts.”

Section 8. Section 211-48A is amended to read as follows:

- A. Except as hereinafter provided, in all nonresidential districts except the PL District, fences shall not exceed eight feet in height when such fences are located in the side or rear yard of a lot or business center.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 9. Table IV is amended to read as follows:

Town of Greece
Table IV

Area, Setback and Lot Coverage Regulations
for the IL, IG and FOI Districts

District	Minimum Lot Size (acres)	Minimum Gross Floor Area of Each Principal Building (square feet)	Minimum Setback ¹ (feet)			
			From Street Rights-of-Way ²	From District Boundary	Side and Rear ⁵	
					From Boundary of: <ul style="list-style-type: none">Residential District[Nonresidential District]	From Lot Lines In District
IL	5	1,000	100	—	100 [25]	25
IG	3	1,000	100	—	100 [25]	25
FOI	1	1,000	—	100 ^{3,4}	—	0

Notes:

- The minimum length of the front lot line shall be 50 feet.
No parking area or driveway shall be located closer than 50 feet to a residential district.
In the IL and IG Districts, no parking area or driveway shall be located closer than 50 feet to a street right-of-way line. Exempt from this requirement are driveways that provide direct access to public streets.
In the FOI District, no parking area or driveway shall be located closer than 25 feet to a street right-of-way line. Exempt from this requirement are driveways that provide direct access to public streets.

Footnotes:

- ¹ For churches or other places of worship, the setback requirements of the BR District shall apply.
² If a lot contains a private road, driveway or easement that provides vehicular access for other lots, applicable setbacks shall be measured from the centerline of such private road, driveway or easement. In such cases, 10 feet shall be added to the applicable minimum setbacks.
³ Setback shall be increased by 2 feet for every 1 foot in excess of 30 feet in height, or by 2 feet for every 1000 feet of gross floor area in excess of 100,000 square feet, whichever is greater.
⁴ Where the FOI District boundary adjoins or appears to follow the centerline of a public highway right-of-way, applicable setbacks shall be measured from the centerline of such right-of-way. In such case, 50 feet shall be added to applicable minimum setbacks.
⁵ Setback shall be increased if required by the Building Codes of New York State relative to occupancy classification, construction materials, building height, fire resistance or other factors.

Special Setback Provisions

1. Except in the FOI District, if a setback is not determined by the neighborhood average, then the following special provisions shall apply:
(a) If a lot adjoins a Town of Greece highway whose right-of-way is less than 50 feet wide, front setbacks shall be measured from such highway centerline and 30 feet shall be added to applicable minimum setbacks.
(b) If a lot adjoins any of the following Town of Greece highways, front setbacks shall be measured from the centerline of such right-of way. In such case, 45 feet shall be added to applicable minimum setbacks:
(1) Deming Street.
(2) Gates-Greece Town Line Road.
(3) Janes Road.
(4) Ling Road.
(5) Maiden Lane.
(6) Peck Road.
(7) Post Avenue.

**Area and Setback Regulations
for the IL, IG and FOI Districts**

- (c) If a lot adjoins a Monroe County highway whose right-of-way is less than 80 feet wide, excluding Dewey Avenue, applicable setbacks shall be measured from the centerline of such right-of-way. In such cases, 50 feet shall be added to the applicable minimum setbacks.
 - (d) If a lot contains a private road, driveway or easement that provides vehicular access for other lots, applicable setbacks shall be measured from the centerline of such private road, driveway or easement. In such cases, 10 feet shall be added to the applicable minimum setbacks.
2. If a lot adjoins a street on an angle or curve, the lot would be deemed to have a continuous front setback conforming to the angle or curve of such street.
 3. The setback of a principal or accessory building shall be measured to the foundation of such building.
 4. Fireplaces, bay windows, balconies and cantilevered portions of buildings may project into a front yard or rear yard, provided that such structures do not project more than three feet into the setback established for the district in which such front yard or rear yard is located and provided that such structures do not project into any easement in such front yard or rear yard.

There may be other applicable state and federal regulations pertaining to floodplain, wetlands, coastal erosion hazard areas, etc., that may be more restrictive and may supersede local zoning regulations.

Section 10. Repealer.

All local laws or ordinances and parts thereof inconsistent with this local law are hereby repealed.

Section 11. Severability.

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 12. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and
strikeout that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2010 of the (County)
(City) (Town) (Village) of Greece was duly passed by the (Name of Legislative Body) Town Board on
July 20, 2010, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval
by the Elective Chief Executive Officer*.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2010 of the (County)
(City) (Town) (Village) of Greece was duly passed by the (Name of Legislative Body) Town Board on
July 20, 2010, and was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive
Officer*) Town Supervisor and was deemed duly adopted on July 20, 2010, in accordance with
the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the
(County) (City) (Town) (Village) of _____ was duly passed by the
(Name of Legislative Body) _____ on _____ 20____, and
was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive
Officer*) _____ on _____ 20____. Such local law was
submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative
vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held
on _____ 20____, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed
requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the
(County) (City) (Town) (Village) of _____ was duly passed by the
(Name of Legislative Body) _____ on _____ 20____, and
was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*)
_____ on _____ 20____. Such local law was subject to permissive
referendum and no valid petition requesting such referendum was filed as of _____
20____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none,
the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the
power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Clerk of the County legislative body, City, Town or Village Clerk or officer
designated by local legislative body

(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF MONROE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Patric W. Anthony
Signature

Town Clerk
Title

Town of Greece

Date: August 9, 2010